

**BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM
EXECUTIVE SUMMARY FOR BER**

Agenda #III.B.2.

Summary: The Department is proposing rule making to correct an oversight in the recently adopted Solid Waste Fee rules. The oversight in need of correction is in ARM 17.50.410, Table 3 – Application Review Schedule.

List of Affected Rules: A.R.M. 17.50.410

Affected Parties Summary: The requested rule modification affects One-time Landfarm or Petroleum Impacted Soil Solid Waste Management Systems.

Scope of Proposed Proceeding: The Department is requesting initiation of rulemaking.

Background:

The reason for the proposed rulemaking is to correct an oversight in the recently adopted Solid Waste Fee rules. As adopted, the table indicates that One-time landfarm facilities accepting 800 cubic yards or more of contaminated soils would be assessed a \$200 application review fee. The table also indicates that One-time landfarm facilities accepting less than 800 cubic yards would be assessed a \$500 application review fee. The intention of the Department in the rulemaking process was to assess the higher application review to the facilities accepting the greater volume of contaminated soil.

The proposed rule would assign the correct fee amounts to the appropriate One-time landfarm facility. The revised version of Table 3 would indicate that One-time landfarm facilities accepting less than 800 cubic yards would be assessed a \$200 application review fee, and facilities accepting 800 cubic yards or more would be assessed \$500 application review fee.

Hearing Information: No public hearing is necessary.

Board Options: The Board may:

1. Initiate rulemaking.
2. Determine that the adoption of rules is not appropriate and decline to initiate rulemaking; or

Enclosures:

1. Notice of Proposed Amendment of ARM 17.50.410.